

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Scott D. Dalesandro,)	
<u>et al.</u> ,)	
)	
Plaintiffs,)	Case No. C-1-01-109
)	
vs.)	
)	
International Paper)	
Company,)	
)	
Defendant.)	

O R D E R

This is before the Court on Plaintiffs' motion for Court approval of class communication (Doc. No. 56). The Court approves the attached notice for distribution to the class members.

IT IS SO ORDERED

Date November 17, 2003

s/Sandra S. Beckwith
Sandra S. Beckwith
United States District Judge

November __, 2003

To: All Class Members in
Dalesandro, et al., v. International Paper Company,
Case No. C-1-01-109
United States District Court for the Southern District of Ohio

This letter is being sent to you to inform you of the status of a dispute which arose from responses to the Court Ordered Notice dated September 24, 2003.

The dispute concerns whether you are entitled to vacation pay as a part of your severance benefits under Section 7.1 of the 828 Severance Policy. Section 7.1 states:

An Eligible Employee will receive a lump sum payment for banked vacation, earned but unused vacation, and if eligible to retire (under the provisions of Section 3 or otherwise), accrued vacation.

It is our position, as your class counsel, that vacation pay under Section 7.1 is one of the benefits sought to be recovered in this lawsuit. International Paper Company disagrees and contends that you received your benefits under Section 7.1 from Smart Paper after February 9, 2001 under the terms of the asset purchase agreement between International Paper and Smart Paper. International Paper also takes the position that this claim for benefits has not been properly raised in this lawsuit and, therefore, is not properly a part of this lawsuit.

The parties have brought this dispute to the Court's attention and Judge Beckwith has set out the procedure by which she will consider each position and decide this issue. Counsel and the Court are making every effort to obtain a ruling on this dispute as soon as possible. We hope to inform you of the result in the next few months.

Sincerely,